

## REMARKS

Applicant intends this response to be a complete response to the Examiner's **20 January 2010** Final Office Action. Applicant has labeled the paragraphs in his response to correspond to the paragraph labeling in the Office Action for the convenience of the Examiner.

### DETAILED ACTION

### *Preliminary Statement*

Applicants have imported the imitations of claims 212, 131 and 130 in to claim 100. As claims 212 was deemed to encompass allowable subjected matter and claims 212 depended from claim 131, which depended from claim 130, which depended from claim 100, Applicant believes that newly amended claim 100 is allowable. Because claim 100 is allowable, all dependent claims are allowable. Applicant has canceled all claims that conflict with the allowable subject matter of claim 212.

Applicant does not accept the Examiner's rejections on the claim 100 prior to amendment and will be filing a continuation application to continue the prosecution of the claim 100 prior to amendment. But as claim 212 is deemed to encompass allowable subject matter, Applicant desires to keep the record as clean as possible in respect to the allowable subject matter.

### Withdrawn Rejections

The Examiner states or contends as follows:

1. The 35 U.S.C. 112, second paragraph, rejections of claims 100-139 of record in the previous Office Action mailed 6/9/2009 on Pages 2-6 have been withdrawn due to the Applicant's amendment filed 10/8/2009.

Applicant acknowledges the Examiner's statement.

### *Claim Rejections - 35 USC § 112*

3. **Claim 104** stands rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The Examiner states or contends as follows:

The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "the average thickness of at least one of the plies is at least 15% of the ply's maximum thickness" in claim 104 is deemed new matter. The Specification, as originally filed, does not provide clear support for this new limitation. Thus, this new limitation is deemed new matter.





The Examiner states or contends as follows:

Regarding claim 104, the average thickness of at least one of the plies is at least 15% of the ply's maximum thickness (Table 2 and col. 9, line 68).

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:

Regarding claim 105, a width of each bonding zone (tips of the crests of the waves in Figs. 1 and 3) is deemed to be no less than 15% of the flute wavelength (col. 9, line 67).

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:

Regarding claim 110, the flute direction of the ply A is substantially perpendicular to the flute direction of the ply B (Fig. 3, sheets 15).

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:

Regarding claim 111, one of the two flute directions essentially coincide with a machine direction of lamination (Fig. 3 and col. 8, lines 34-40).

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.



Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:

Regarding claim 32, note both the ply A and the ply B are supplied with a multitude of perforations, whereby the perforations do not reach into the spot bonds, and the perforations in the ply A are displaced from the perforations in the ply B so as to cause gas or liquid when passing through the laminate, to run a distance through the flutes substantially parallel to the main surfaces of the laminate (openings: col. 4, lines 4-7).

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:

Regarding claim 133, the channels contain filling material (effluent: col. 6, lines 8-10).

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:

Regarding claim 134, the limitation is a functional limitation and is deemed to be an inherent characteristic of the prior art, since Clark discloses a laminate having the same structure as the claimed laminate (see above). MPEP 2114 and 2173.05(g).

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.



Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:

Regarding claim 201, in Fig. 3 of Clark, it is deemed to show that each of the two plies . (15) has a flute with a curved length on average of at least 10% longer than the linear wavelength (also see Fig. 1).

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:

Regarding claim 202, the width of each bonding zone (tips of the crests of the waves in Figs. 1 and 3) is deemed to be no less than 20% of the flute wavelength (col. 9, line 67).

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:

Regarding claim 203, the width of each bonding zone (tips of the crests of the waves in Figs. 1 and 3) is deemed to be no less than 30% of the flute wavelength (col. 9, line 67).

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.









Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:

Regarding claim 117, the ply B is molecularly oriented mainly in a direction parallel to the direction of its flutes or in a direction close to the latter as determined by shrinkage tests (claim 1).

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:

Regarding claim 118, the ply A is composed of several films, and the main direction of molecular orientation, is the resultant of different monoaxial or biaxial orientations in the films optionally mutually differently directed (claims 1 and 9).

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:

Regarding claim 119, the ply B is composed of several films, and the main direction of molecular orientation, is the resultant of different monoaxial or biaxial orientations in the films optionally mutually differently directed (claims 1 and 9).

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:



Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:

Regarding claims 124 and 210, plies A and B consist of poly olefin, which is inherently orientable at room temperature, since it is the same material used for the claimed plies A and B (claim 9).

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:

Regarding claim 125, spot bonds between the plies A and B is effected through a lower melting surface layer on at least one of the plies, formed in a coextrusion process (col. 6, lines 55-65).

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:

Regarding claim 126, note at least one of the plies comprises a barrier film designed for protection against oxygen and other gaseous materials (col. 6, lines 55-65).

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:

Regarding claims 129 and 211, the coefficient of elasticity  $E$  in at least one of the plies, measured in the unbonded zone of the ply in the direction parallel to the flute (rib), as an average over the unbonded zone is inherently no less than 700 MPa and no less than 1000 MPa, since the laminate in Rasmussen has substantially the same composition and/or structure as that of the claimed laminate.

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:

Regarding claim 139, Rasmussen discloses a bag made from the laminate wherein the flutes on one of the two major surfaces of the bag are substantially perpendicular to the flutes on the other major surface of the bag (col. 1, lines 26-29 and col. 5, lines 65-66).

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:

Regarding claim 199, Rasmussen discloses the flute wavelength in each of the two plies being no more than 3 mm (col. 4, lines 35-37).

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

The Examiner states or contends as follows:

Regarding claim 200, Rasmussen discloses the flute wavelength in each of the two plies being no more than 2 mm (col. 4, lines 35-37).

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant,





contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

13. **Claims 106 and 108** stand rejected under 35 U.S.c. 103(a) as being unpatentable over Rasmussen (US 5,626,944).

The Examiner states or contends as follows:

Rasmussen discloses the claimed laminate as described above except for the flutes extending in a substantially rectilinear shape and being differently shaped in a pattern which gives a visual effect showing a name, text, logo or similar visual effect. It would have been an obvious matter of design choice to change the shape of the flutes (ribs) in Rasmussen to be in a rectilinear shape and be differently shaped in a pattern which gives a visual effect showing a name, text, logo or similar visual effect, since such a modification would have involved a mere change in the shape of the flutes. A change in shape is generally recognized as being within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (IV). One of ordinary skill in the art would have been motivated to change the shape of the flutes (ribs) in Rasmussen to be rectilinear in shape and be differently shaped in a pattern which gives a visual effect showing a name, text, logo or similar visual effect in order to change the visual appearance of the laminate. It is desirable to change the visual appearance of the laminate in Rasmussen in order to make the laminate more appealing to the consumer.

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant, therefore, respectfully requests withdrawal of this rejection.

14. **Claim 109** stands rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 5,626,944).

The Examiner states or contends as follows:

Rasmussen discloses the claimed laminate as described above except for the plies having different colors. It would have been an obvious matter of design choice to change the color of the plies in Rasmussen to be of different colors, since such a modification would have involved a mere change in the aesthetics of the plies. A change in the aesthetics is generally recognized as being within the level of ordinary skill in the art, absent unexpected results. MPEP 2144.04 (1).

One of ordinary skill in the art would have been motivated to change the color of the plies in Rasmussen to be differently colored in order to change the visual attractiveness of the laminate. It is desirable to change the visual attractiveness of the laminate in Rasmussen in order to make the laminate more appealing to the consumer.

Applicant has amended claim 100 to incorporate the allowable subject matter of claims 212, 131, and 130 rendering the above rejection moot. Applicant is not capitulating to the Examiner's contention and will address the substance of the rejection in a continuation application. Applicant,



